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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JANE DOE,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	FILE NO. 1:23-CV-5578-MLB
)	
GEORGIA DEPARTMENT OF)	
CORRECTIONS, ET AL,)	
)	
Defendants.)	

BEFORE THE HONORABLE MICHAEL L. BROWN
TRANSCRIPT OF PROCEEDINGS
FEBRUARY 12, 2025

Proceedings recorded by mechanical stenography
and computer-aided transcript produced by

JANA B. COLTER, FAPR, RDR, CRR, CRC
Realtime Systems Administrator
Official Court Reporter
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1 APPEARANCES:

2 For the Plaintiff: SHELBY SAXON
3 Attorney at Law

4 For Defendants RACHAEL WYRICK
5 Georgia Department of Corrections Attorney at Law
6 Tyrone Oliver
7 Randy Sauls
8 The Statewide Medical Director
9 Sharon Lewis
10 The Phillips State Prison
11 Warden DeShawn Jones
12 Sharon Lewis
13 Chad Lohman
14

10 For Defendants WELLS LITTLEFIELD
11 Wellpath, LLC Attorney at Law
12 Dr. Latonya James
13 Jewellann Clarke
14

12 For Defendants LINDSEY CASSIMUS
13 MHM Correctional Services Attorney at Law
14 Centurion Health
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P R O C E E D I N G S

(Atlanta, Fulton County, Georgia, February 12, 2025, in open court.)

THE COURT: All right. We're here for a motion hearing in *Doe v. The Georgia Department of Corrections*.

May I have appearances starting with counsel for the plaintiff?

MS. SAXON: Good morning, Your Honor.

Shelby Saxon at Baker Botts for the plaintiff.

THE COURT: And for the defendants?

MS. WYRICK: Good morning, Your Honor.

Rachael Wyrick for Georgia Department of Corrections.

MR. LITTLEFIELD: Good morning, Your Honor.

Wells Littlefield for Jewellan Clarke and Latonya James and to whatever extent necessary, Wellpath, LLC.

MS. CASSIMUS: Lindsey Cassimus on behalf of the MHM and Centurion defendants.

THE COURT: All right. Thank you.

All right. What does the plaintiff think I should do in response to the defendant's motion?

MS. SAXON: Your Honor, we believe that your order on November 18th, where you stayed this case only as to Wellpath, was a proper order. It was not -- the bankruptcy court at that time had not ordered the cases to be stayed based on an

1 extension of the automatic stay to non-defendants in this
2 case -- or to non-debtors, excuse me.

3 However, it became clear when the bankruptcy court
4 filed its amended order extending the automatic stay that the
5 stay would apply in this case. That, I believe, was
6 entered --

7 THE COURT: So what do you think I should do?

8 MS. SAXON: I believe you should rescind your
9 previous order, the most recent, extending the stay here only
10 as to the Wellpath defendant and allowing the case to proceed
11 against the other defendants at this time.

12 So we agree that the case is currently stayed, but
13 that the stay has not been in place all of this time until it
14 was clear that the bankruptcy stay was extending to the
15 non-debtor defendants.

16 So we believe that our second amended complaint was
17 properly filed. And we believe that this case is stayed only
18 on an interim basis, which will be further clarified by the
19 bankruptcy court at the hearing on February 18th.

20 THE COURT: So what do you think I should do? Let me
21 ask that again. I'm not sure you're telling me.

22 What do you think I should do? You think I should
23 rescind my prior order, allowing the case to go forward and
24 stay everything?

25 MS. SAXON: At this time, yes, Your Honor.

1 THE COURT: Okay. When they called you, when Mr. --

2 MR. LITTLEFIELD: Littlefield, Your Honor.

3 THE COURT: I'm sorry, I have a friend -- do you know
4 David Lilienfeld?

5 MR. LITTLEFIELD: No, Your Honor.

6 THE COURT: When you decided to file your motion for
7 reconsideration and you called them, is this what they said?

8 MR. LITTLEFIELD: No, Your Honor.

9 THE COURT: What did they say at that time?

10 MR. LITTLEFIELD: Well, first I'd like to clarify
11 which motion for reconsideration.

12 THE COURT: To whom did you speak?

13 You want me to stay everything?

14 MR. LITTLEFIELD: Yes, Your Honor.

15 THE COURT: And that's what you've asked me -- you've
16 asked me to reconsider my prior order and now stay everything,
17 right?

18 MR. LITTLEFIELD: Yes, Your Honor.

19 THE COURT: Okay. When you filed that and you called
20 them, what did the plaintiff say when you told them that
21 that's what you thought should happen?

22 MR. LITTLEFIELD: Well, it was a little bit of a
23 mixed bag where they said that --

24 THE COURT: With whom did you speak?

25 THE WITNESS: I spoke with Mx. Dangaran.

1 THE COURT: And why isn't she here?

2 MS. SAXON: She's in D.C., Your Honor, and they're in
3 a serious snowstorm.

4 THE COURT: Why isn't she here? They fly all day.
5 It's a one hour and 20 minute flight. I flew it this weekend.
6 I fly it all of the time. It's maybe one of the easiest
7 flights.

8 Why isn't she here?

9 Because when she asked me to continue it, she then
10 decided if I wouldn't continue it, she wouldn't come.

11 MS. SAXON: My understanding, Your Honor, is that her
12 flight was canceled yesterday and she asked me to attend the
13 hearing because I'm coming from Dallas where there was no
14 snowstorm.

15 THE COURT: There's plenty of flights here from
16 there. You think I'm going to find there wasn't a flight from
17 D.C. to here yesterday?

18 MS. SAXON: I will not --

19 THE COURT: I doubt that very much.

20 MS. SAXON: I will not pretend to know what was
21 happening with all of the flights.

22 THE COURT: I guarantee you that there were flights
23 there yesterday that she could have -- that Mx. Dangaran could
24 have gotten here. I guarantee you there were flights this
25 morning. But for one reason or another, your co-counsel sent

1 you.

2 So tell me, when you spoke, what were you told?

3 MR. LITTLEFIELD: Your Honor, I believe that from my
4 recollection, there was an agreement that -- the anticipation
5 was that the stay should have been in place, but they were
6 moving forward with the position that the Judge's order, your
7 order, Your Honor, was proper and enforceable, so they wanted
8 to move forward.

9 THE COURT: So I got it wrong, but because I got it
10 wrong, we should still move forward?

11 MR. LITTLEFIELD: Your Honor, I can't speak to the
12 basis and background for what my recollection is.

13 THE COURT: That's kind of what you're explaining to
14 me, though, right?

15 MR. LITTLEFIELD: That's my recollection, Your Honor.

16 But we were also informed the next morning that they
17 had filed a petition with the creditor committee or through
18 the bankruptcy process for relief from the stay.

19 THE COURT: Okay.

20 MR. LITTLEFIELD: Now, that should be before the
21 February 18th hearing.

22 THE COURT: What do you know about that?

23 MS. SAXON: Your Honor, I was involved with drafting
24 the letter to Wellpath --

25 THE COURT: No. But do you agree that before they

1 filed their motion, they called y'all?

2 MS. SAXON: I do not know.

3 MR. LITTLEFIELD: Your Honor, I want to clarify.

4 We had not filed the motion -- we did not speak to
5 them after -- before we filed the motion.

6 THE COURT: Why not?

7 MR. LITTLEFIELD: Your Honor, it was -- we
8 anticipated responding to their motion for clarification and
9 the Court's order came suddenly and I felt the need to
10 immediately prepare the emergency motion.

11 THE COURT: But why didn't you call them?

12 I think if you-all look back at your docket in this
13 case, I think you might be embarrassed by how much has been
14 wasted, the wasted effort of this.

15 I know the plaintiff's side is pro bono, I'm
16 assuming, but it's been massive amounts of waste, not to
17 mention the number of times that the plaintiff has to file
18 almost immediately a corrected version of something that was
19 not properly reviewed for whatever reason.

20 But I went out today and I just looked, just a
21 three-minute look, I found four or five different docket
22 entries that are almost immediately corrected. 8 corrects 7;
23 127 corrects 126; 154 corrects 153; 224 corrects 223. It just
24 goes on and on. I don't understand why you would not call
25 them.

1 So when did you speak with them?

2 MR. LITTLEFIELD: Your Honor, I don't have the -- a
3 perfect recollection of it. It was all during the same day or
4 two.

5 THE COURT: And they --

6 MR. LITTLEFIELD: There was a lot of email
7 correspondence and I believe there was phone correspondence as
8 well.

9 THE COURT: And they told you what? They told you
10 that they thought it should be stayed, but that the order I
11 put out was still a valid order and you could continue to
12 operate under it?

13 MR. LITTLEFIELD: My understanding is that the
14 anticipation when they -- when the motion for clarification
15 was filed was that the stay was applicable, but when the
16 Court's order came in, that was the position. They wanted it
17 clarified.

18 THE COURT: The only reason my order came -- well,
19 there's any number of reasons. But when we talked about it,
20 at the hearing on the phone, probably the last time I'll do a
21 phone hearing. Okay? And I'm going to require lead counsel
22 to be here from now on.

23 I thought y'all had worked this out. I thought the
24 plaintiff was going to drop everybody, including with
25 prejudice, and then the only issue that I thought came up at

1 the end was about the revised stay requiring a stay of claims
2 against former clients or customers.

3 But I don't understand why y'all could not work this
4 out together.

5 MR. LITTLEFIELD: Your Honor, we did try to work that
6 out. And that process --

7 THE COURT: No, no. This most recent thing, why
8 y'all couldn't have worked this out together.

9 MS. SAXON: Your Honor --

10 THE COURT: When you spoke with Mx. Dangaran, what
11 did you hear?

12 MR. LITTLEFIELD: Your Honor, I don't have anything
13 other than what I've -- what I've previously stated.

14 THE COURT: Tell me again what it was.

15 MR. LITTLEFIELD: My recollection is that through all
16 the correspondence and I believe a phone call, that the --
17 their position was -- I believe they thought the stay was
18 applicable and that they were just seeking clarification, but
19 that the Court's order declaring the stay not applicable, they
20 wanted to move forward with that.

21 I can't say -- maybe they changed their legal
22 position. I don't -- I don't know.

23 MS. SAXON: Your Honor, we -- we did speak after the
24 phone call hearing that you just mentioned. And we were in
25 the process of filing a stipulation of voluntary dismissal

1 with prejudice of the Wellpath defendants.

2 As that was being finalized, the stipulated and
3 agreed amended order was entered in the bankruptcy case. That
4 was on January the 14th. It was not until that point that we
5 understood as of -- as of now, given this order, the stay has
6 been extended to all of the Wellpath defendants.

7 And at that time, we did -- we understood that we
8 could not file a stipulation of voluntary dismissal in this
9 case because it would be void, given the automatic stay. So
10 we were under the impression that from January 14th forward
11 that anything that occurred in this case while it was stayed
12 on an interim basis would be void.

13 So when we saw a motion to dismiss filed by the state
14 defendants last week, we needed clarification, because our
15 deadline would be during the -- like during the applicability
16 of the automatic stay period. And we did not want to violate
17 the bankruptcy -- bankruptcy court's orders in the automatic
18 stay by filing a response. We didn't want to violate this
19 Court's -- or miss a deadline in this Court's case, so that is
20 why we filed our motion for reconsideration.

21 It -- we understood that the stay was in place
22 beginning on January 14th, so I believe we were all on --
23 plaintiff and defendants were all on the same page as far as
24 that goes.

25 THE COURT: Okay. So you-all agree that I stay

1 everything until I hear anything else; is that right?

2 MS. SAXON: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. LITTLEFIELD: That is our position, yes,
5 Your Honor.

6 THE COURT: Okay. That's what I'm going to do.

7 Here's the other thing I'm going to do. We're going
8 to have hearings from now on, they're going to be in person
9 and lead counsel is going to have to be here.

10 And before anybody files anything asking for relief,
11 whether it's a motion for extra pages, whether it's a motion
12 for dismissal or whether it's a motion for an injunctive
13 relief, you are going to have lead counsel talk. And then at
14 the end of it, after your certificate of service, I want a
15 certificate of who spoke, when they spoke, how long the
16 conversation continued and whether they were able to resolve
17 any issues.

18 Do you understand?

19 MS. SAXON: Yes, Your Honor.

20 MR. LITTLEFIELD: Yes, Your Honor.

21 THE COURT: It is strange to me that we are this far
22 into this case and zero has happened. Other than the
23 preliminary injunction order that I put out, zero has
24 happened. It is incredibly ineffective, especially having
25 racked up 215 docket entries for zero to have happened.

1 I don't know if the plaintiff is getting
2 outmaneuvered by defendants who are looking to delay. I don't
3 know. I mean, it boggles the mind that plaintiff has done
4 almost nothing to move this forward other than coming to the
5 Court right before Christmas saying that if I didn't grant
6 immediate relief of the type of relief that no Court has ever
7 granted before, their client was going to kill herself. That
8 was the sum total of last year's actions. I don't understand
9 it.

10 I don't think even with the stay that I can ask what
11 the current status is. I think I have to leave everything
12 as-is.

13 But I'll tell you this, the first chance that I get
14 to do something in this case because there's been a lift of
15 the stay, I am going to immediately grant any motion for
16 immediate discovery including depositions as to the current
17 request that the plaintiff has made for medical treatment.

18 Does everybody understand?

19 MS. SAXON: Yes, Your Honor.

20 THE COURT: The first opportunity I get, the first
21 time the plaintiff asks for that type of discovery, I'm going
22 to grant it at my first opportunity and allow up to ten
23 depositions to begin immediately to find out what the current
24 status is.

25 Okay?

1 There was a long time when I was supposed to be told
2 what that status was and no one ever bothered. It was always
3 we don't know, we're considering this. We don't know, they're
4 thinking about that. We don't know, they're trying to redo
5 this. I don't know.

6 But I don't have a lot of cases where I find them to
7 be quite like this, in a level of sort of spinning the wheels.

8 So I'm going to require lead counsel, I'm going to
9 require the certificate of having spoken with the details that
10 I've required, and I'm going to allow that type of discovery
11 at the first opportunity that I get.

12 Okay?

13 MS. SAXON: Yes, Your Honor.

14 THE COURT: This is a very unusual case. Maybe it is
15 headed to where it is. It is incredibly unprecedented relief
16 that the plaintiff is asking for. And we're going to get to
17 that point when we can after this stay is lifted.

18 Okay?

19 Thank you. I'm going to go check flights.

20

21 (Whereupon, the proceedings were adjourned at 10:26
22 p.m.)

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REPORTERS CERTIFICATE

I, Jana B. Colter, Official Court Reporter for the United States District Court for the Northern District of Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the proceedings held in open court on February 12, 2025, in the matter of *Jane Doe v. Georgia Department of Corrections, et al*, Case Number 1:23-cv-5578-MLB; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript is a true and accurate record of the proceedings.

This the 12th day of March, 2025.

/s/ Jana B. Colter, FAPR, RDR, CRR, CRC
Official Court Reporter

<div>Case 1:23-cv-05578-MLB Document 234 Filed 04/07/25 Page 17 of 20</div> <div>MR. LITTLEFIELD: [22]</div> <div>MS. CASSIMUS: [1] 4/17</div> <div>MS. SAXON: [16] 4/94/225/85/257/27/117/187/208/239/211/911/2313/213/1914/1915/13</div> <div>MS. WYRICK: [1] 4/12</div> <div>THE COURT: [37]</div> <div>THE WITNESS: [1] 6/25</div> <div>/</div> <div>/s [1] 16/18</div> <div>1</div> <div>10:26 [1] 15/21</div> <div>12 [3] 2/124/316/8</div> <div>126 [1] 9/23</div> <div>127 [1] 9/23</div> <div>12th [1] 16/14</div> <div>1456 [1] 2/21</div> <div>14th [3] 12/412/1012/22</div> <div>153 [1] 9/23</div> <div>154 [1] 9/23</div> <div>18th [3] 4/235/198/21</div> <div>1:23-CV-5578-MLB [2] 2/416/10</div> <div>2</div> <div>20 [1] 7/5</div> <div>2025 [4] 2/124/316/816/14</div> <div>215 [1] 13/25</div> <div>215-1456 [1] 2/21</div> <div>223 [1] 9/23</div> <div>224 [1] 9/23</div> <div>2394 [1] 2/20</div> <div>3</div> <div>30303 [1] 2/21</div> <div>4</div> <div>404 [1] 2/21</div> <div>7</div> <div>75 [1] 2/20</div> <div>9</div> <div>90 [1] 1/4</div> <div>A</div> <div>able [1] 13/16</div> <div>about [4] 8/2210/1911/115/4</div> <div>accurate [1] 16/13</div> <div>ACTION [1] 2/4</div> <div>actions [1] 14/8</div> <div>adjourned [1] 15/21</div> 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